

CHAVEZ & GERTLER LLP
JONATHAN E. GERTLER (Bar No. 111531)
jon@chavezgertler.com
JOSEPH R. IGELMUND (Bar No. 52493)
joe@chavezgertler.com
42 Miller Avenue
Mill Valley, CA 94941
Tel: (415) 381-5599 Fax: (415) 381-5572

BROWNSTEIN & THOMAS, LLP
MARK C. THOMAS (Bar No. 215580)
mark@brownsteinthomas.com
220 Montgomery Street, Suite 876
San Francisco, CA 94104
Tel: (415) 951-4881 Fax: (415) 951-4885

Attorneys for Plaintiff SHILOH HOOD
And the Proposed Plaintiff Class

WINSTON & STRAWN LLP
LEE T. PATERSON (Bar No. 81004)
lpaterso@winston.com
AMANDA C. SOMMERFELD (Bar No. 185052)
asommerf@winston.com
333 South Grand Avenue, 38th Floor
Los Angeles, CA 90071
Tel: (213) 615-1700 Fax: (213) 615-1750

Attorneys for Defendant
THE TERMINIX INTERNATIONAL COMPANY LP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHILOH HOOD, an individual,

Plaintiff,

vs.

THE TERMINIX INTERNATIONAL
COMPANY, L.P., a Delaware limited
partnership; and DOES 1 to 20,

Defendants

) Case No.: C 06-00024 SBA

) The Honorable Sandra B. Armstrong

) **JOINT STIPULATION AND REQUEST**
) **TO CONTINUE MEDIATION**
) **DEADLINES; [PROPOSED] ORDER**

) CMC Date: October 18, 2006
) CMC Time: 2:30 p.m.

) Removal Date: January 5, 2006

1 The parties hereby jointly stipulate and request that this Court grant a continuance of
2 the mediation deadline by approximately 90 days. The parties were ordered to mediate this
3 matter by the Court, and given a mediation deadline of September 29, 2006 and a Status
4 Conference date of October 18, 2006. Judith Droz Keyes was duly appointed mediator in the
5 instant action by this Court, and the parties have diligently undertaken to prepare this case for
6 mediation under the advice and approval of the mediator, but the deadline cannot practicably
7 be met.

8 The parties have exchanged correspondence, and conducted meet-and-confer
9 communications outlining the information necessary to engage in a meaningful mediation.
10 The parties have commenced informal exchange of information and are in the process of
11 attempting to negotiate the contents of a questionnaire to be sent to a sampling of class
12 members in order to obtain additional information for the purposes of mediation.

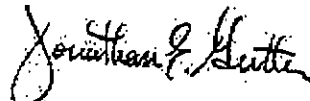
13 One of the reasons the initial mediation date cannot be met is that extensive
14 information must be produced to facilitate successful negotiations. Some delay also has
15 resulted from the development that a related action entitled *Roy v. Terminix*, was filed in San
16 Bernardino County California, Superior Court Action No. SCVSS140622, and Terminix
17 requested that the plaintiff and counsel in that matter be requested to participate in the
18 mediation in this matter to determine the feasibility of the global resolution of all pending
19 claims. Plaintiff's counsel has been advised that Michael Langford, counsel in the *Roy v.*
20 *Terminix* matter, has suffered the death of his father and is on brief leave from his practice,
21 but that Mr. Langford and his client are agreeable to participating in the ADR preparations
22 and proceedings in the instant action upon his return.

23 Based on the foregoing, the parties have determined, with the mediator's agreement,
24 that it is not feasible to undertake all the activities necessary to engage in a meaningful
25 mediation and to include the participation of plaintiff and counsel in the *Roy* matter within
26 the time constraints of this Court's prior Order setting a September 29, 2006 mediation
27 deadline. The parties hereby request that this Court continue the currently scheduled
28

mediation deadline for approximately 90 days. It appears that the parties can engage in meaningful mediation by the end of December, 2006.

Dated: September 12, 2006

BROWNSTEIN & THOMAS, LLP
CHAVEZ & GERTLER LLP


By: _____
Jonathan E. Gertler

Attorneys for Plaintiff SHILOH HOOD
And the Proposed Plaintiff Class

Dated: September 13, 2006

WINSTON & STRAWN LLP


By: _____
Amanda C. Sommerfeld

Attorneys for Defendant
THE TERMINIX INTERNATIONAL
COMPANY, L.P.

[PROPOSED] ORDER

Pursuant to the Stipulation above, and good cause appearing,

The deadline for Mediation is continued 90 days to 12-29, 2006.

IT IS SO ORDERED.

Dated: September 18, 2006


Hon. Sandra B. Armstrong
United States Magistrate Judge

06.09.12.Stip.Order.Cont.Mediation Date